

January 31, 2019

Cumberland Reply to Cowboys Letter

We have read the statement released by Cowboys Foreman William Furst. We appreciated a response to our reform letter and commend the commitment to “live each day in a way which would make Nicky proud.” Nevertheless, we are disheartened by the half-truths and missing key information in the statement that diminish The Cowboys’ hazing activities and create an illusion of accountability.

Within one day of the fatal accident that took Nicky’s life, their lawyers were on the mission to protect the organization. Our family remained in the dark of any legal actions taken by The Cowboys after the accident. We were never contacted by anybody conducting their internal “judiciary” actions to ask what evidence we might possess.

This is similar to the disingenuous system they created at initiation events to accommodate and foster their continued tradition of hazing.

The Cowboy senior Old Man who confirmed the hazing (including the paddling of our son and the hamster mutilation) described the process to us. At some point during the initiation events, each of the respective fraternities and groups sponsoring a New Man breaks apart and the respective Old Men are permitted to dispense their own brand and degree of hazing initiation rites upon their own. It was described that some fraternities are well-known to be rougher on their own than others, while the independents and some service organizations such as Tejas typically go easier on their New Man. He was effectively candidly acknowledging that the internal reputation of the subgroups who have tougher brands of hazing is both known and tolerated.

He described this traditional process in a very casual matter-of-fact manner, oblivious to fact that he was outlining how systematically The Cowboys intentionally crafted a system to facilitate and protect hazing. The paddling and other hazing activities that occurred this past fall were not one-off occurrences (unlike the implications of their letter). This system on its face is an extremely bad faith repudiation of an illusory “anti-hazing” public image.

We learned that, prior to the event, Nicky had expressed concerns to his girlfriend that he was going to get hurt. It will be worth examining more about the origin of or reasons behind such advance fear.

The Cowboys statement fails to address the laundry list of alcohol that was purchased for the event.

The comments on sleep deprivation are subterfuge. It didn’t save Nicky’s life that some New Men got to sleep. That’s not relevant to his safety or life.

Nicky’s death was caused because the driver fell asleep. The driver fell asleep because he was sleep deprived; he was exhausted and did not have enough sleep to embark upon a long drive. The Cowboys campfire went beyond 3am, and he was

permitted to drive around 4am without sufficient sleep. Accordingly, he fell asleep at the wheel and fatally rolled the vehicle.

Studies have shown that sleep deprivation can be as dangerous (or even more so) than driving under the influence of alcohol. Sleep deprivation causes the same impairment as intoxication.

The driver was not the only one who was tired from the exhausting day; we were told that each passenger fell asleep almost immediately upon departure on the journey. That is not surprising given the physical and psychological stress they all had been through during the initiation. Explicit UT transportation policy was violated in many ways, including the specific requirement that trips of this duration require a fully awake navigator (regardless of the time of day).

Meanwhile, the Old Men arranged a safe charter bus for themselves.

As for the Code of Silence: not one person voluntarily came forward directly to report to the UT Administration the prohibited and unlawful activities that occurred. However, that is exactly what is unambiguously required under both Texas law and UT policy. It was not until we requested an investigation (more than a month after the accident) that Cowboy students spoke to the proper authorities. Prior to speaking with University authorities, The Cowboys and their lawyers circled ranks -- just as they had done in the case of the death of Gabe Higgins. That is a major part of the problematic Code of Silence. Honoring the prohibition on the Code of Silence does not simply mean speaking after being caught. Among other things, we intend to fix that significant problem.

Throwing a few of the young men under the bus by dismissing them from the Cowboys creates the deceptive optical illusion that the abhorrent actions were atypical and did not occur in prior years, and that the remainder of the organization did not stand by and acquiesce or turn a blind eye.

The University motto under the Tower states that the truth shall make you free. The truth is that paddling and the other kinds of hazing occurred in years preceding this one, together with the break-out system designed to protect and insulate such activities from scrutiny. The truth is that without the senseless death of my amazing son none of this would have come to light: "The Code" was working and highly effective. The sad truth is that if Nicky had not been killed most likely the same kinds of unacceptable hazing behavior would continue with the new crop of young men each year.

The whitewash response by the Cowboys illustrates why The Cowboys currently cannot be trusted to provide the uncomfortable unvarnished truth and do not deserve to represent The University in its current form or to continue to use The University's property. The disappointing response does not honor Nicky's legacy. The response highlights the precise reasons behind some of the reforms we have demanded.

When we work with the Administration, students and alumni on the necessary hazing reforms, we intent to ensure that the spirit and intent of safety prevail, because only then can the desired end results be achieved.

The Cumberlands remain dedicated to make The University the best it can be.

#LoveLikeNicky